IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

Bail Appl..No. 6427 of 2007

CRIME NO. 822/2007 OF KODUNGALLUR POLICE STATION
CMP.7676/2007 of J.M.F.C., KODUNGALLUR
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PETITIONERS/ACCUSED NO.2 TO 5
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1. JAISON, S/O JOSEPH,
PALATHINGAL HOUSE, V.P.THURUTHU,
METHALA, THRISSUR DISTRICT.

2. JANEESH, S/O JOSEPH,
PALATHINGAL HOUSE, V.P.THURUTHU,
METHALA, THRISSUR DISTRICT.

3. MEBIN, S/O VINCENT,
PADATHURUTHY HOUSE, V.P.THURUTHU,
METHALA, THRISSUR DISTRICT.

4. VIMEJ, S/O VINCENT,
PADATHURUTHY HOUSE, V.P.THURUTHU,
METHALA, THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, KODUNGALLUR POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6427 of 2007

Dated this the 29th day of October, 2007

ORDER

Petitioners are accused 2 to 5. They along with the principal accused (1st accused) faced allegations initially under Sections 308 and 324 r/w 149 I.P.C. The alleged incident took place on 30.09.07. The petitioners were arrested on 1.10.07. Investigation is in progress. During the pendency of the investigation, the deceased has succumbed to his injuries on 22.10.07. Investigation is in progress now u/s 302 I.P.C. The 1st accused has been arrested subsequent to the death of the deceased.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Both the 1st accused and the deceased have criminal antecedents. They are involved in a number of cases. The petitioners have no criminal antecedents whatsoever. The police is making an attempt to save the 1st accused who was not arrested till the death of the deceased. Unnecessarily, allegations have been raised against the petitioners. The petitioners may, in these circumstances, be released on regular bail now, they having remained in custody from 1.10.07. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the F.I.S clearly shows the nature of the overt acts committed by the petitioners herein. The petitioners have been named in the F.I.R. They are, at any rate, vicariously liable. Armed with dangerous weapons-sticks and

stones, the accused persons are alleged to have attacked the deceased. Political animosity is the alleged motive. The deceased had shifted his loyalty from the C.P.M to the B.J.P and that is allegedly the motive for the occurrence.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the investigation is not complete. Release of the petitioner on bail at this stage would hamper the smooth course of investigation. It will also affect the law and order situation in the locality. In these circumstances, the petitioners may not be granted regular bail at this stage. In a serious crime like this, the investigator may be given some further time to complete the investigation, submits the learned Public Prosecutor .

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that the petitioners do not deserve to be enlarged on bail at this early stage of investigation.

5. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioners shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 12.11.07. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-